

## To File a Complaint

Just as important as knowing and exercising your rights is making sure they are enforced if you are having a problem with your HMO.

First, when your doctor decides you need treatment or care, your HMO has five business days to review that decision and approve or deny it. If your HMO modifies or denies care, they must inform you in writing, stating the basis for their decision. They must also inform you of what steps you may take to appeal that decision, including whether you need to go through the HMO's internal grievance process.

Second, the Department of Managed Health Care has established a review program that is entirely independent of HMO influence to assure you a fair and impartial re-examination of any denial of care.

**If you cannot resolve a problem with your HMO, contact the California HMO Help Center at 1-888-HMO-2219, or TDD (877) 688-9891, 24 hours a day, 7 days a week, or go to [www.hmohelp.ca.gov](http://www.hmohelp.ca.gov). Services are available in English, Spanish and other languages.**



### Senate Majority Leader Gloria Romero

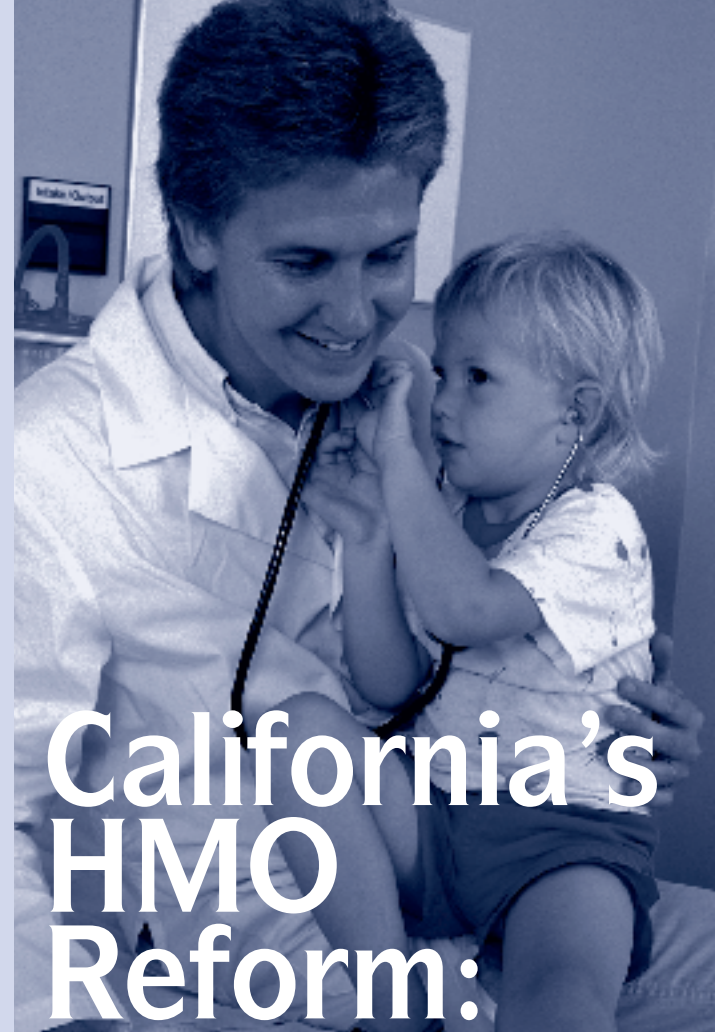
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# California's HMO Reform:

# Know Your Rights

**California has passed the most sweeping health care reform legislation in the nation. Our new laws have even served as a model for federal legislation to improve patients' rights. What do these laws do? What do they mean for you? Here's a brief summary of what the key changes are, and what you should know about them.**

## All HMOs Covered

California's patient rights laws give you and your family broad protections under HMOs. All HMOs are now subject to oversight by the new Department of Managed Health Care.



The Department regulates and licenses Health Maintenance Organizations (HMOs) in an effort to promote quality health care for the people of California. It is responsible for

ensuring that health plans comply with state law and establishes a new patient complaint process.

From your right to a second opinion to your right to see a specialist, you should take every step to make sure you are getting the health care to which you are entitled.

## The Patient Advocate

The Patient Advocate is an independent office within the Department of Managed Health Care. It was established to protect the interests of individuals enrolled in HMOs. The Patient Advocate will:

- Inform and educate HMO enrollees.
- Issue an annual report card on the performance of HMO health plans.

- Provide advice and assistance.
- Advocate on behalf of individuals enrolled in HMOs.

The Patient Advocate works in partnership with the Department's HMO Help Center to ensure enrollees are able to resolve a problem with their HMO, obtain an independent medical review, and deal with other more complex issues.

## Know Your HMO Rights

### Medical Care

You have the right to see a health care professional, including a specialist, such as an oncologist or HIV/AIDS doctor, when medically necessary.



### Emergency Care

You have the right to emergency medical and psychiatric care wherever and whenever you need it.

### Mental Health Services

You have the right to mental health services for many severe conditions.

### Preventive Care

You have the right to preventive services such as mammograms and diabetes screening.

### Second Opinion

You have the right to get a second medical opinion.

### Choice of Doctors

You have the right to a choice of primary care doctors and, in most cases, the right to one within 15 miles or 30 minutes of your home or workplace. You have the right to select a pediatrician or OB/GYN as your primary care physician. You also have the right to uninterrupted health care and the right to keep

your doctor if you have an acute condition, are more than three months pregnant, or are hospitalized.

## Right to Appeal

If your HMO denies or modifies a health care benefit on the grounds that it is experimental or not medically necessary, you have the right to an appeal to doctors outside your HMO by contacting California's HMO Help Center.

## Right To Sue

You also have the right to sue your HMO if you suffer substantial harm after your HMO delays, denies or modifies medically necessary care. Although you have the right to take legal action at any time during the complaint process, most cases must go through the independent review process described above.

## Your HMO Responsibilities

You have a responsibility to yourself and your loved ones to read and understand your HMO's *evidence of coverage*, a statement of services that your HMO provides to you. Call your HMO if you need these services explained.

You have a responsibility to discuss health risk factors with your doctor, make healthy lifestyle choices and exercise your preventive care rights.



You have a responsibility to keep good records and record your medical history.

You have a responsibility to be your own best advocate. Talk to your doctor and your HMO. Learn about your health and how to protect it.